



CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8(a)

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HUESCHEN AND SAGE

*Thomas R. Weiland*

14 December 2010

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Applicants : BIGALKE, et al.  
Serial No. : 10/018,373  
Filed : 06 December 2001  
Title : THERAPEUTIC COMPOSITION COMPRISING A BOTULINUM NEUROTOXIN.  
Art Unit : 1645

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Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION COVERING TRANSMITTAL OF REQUEST FOR CONTINUED  
EXAMINATION UNDER 37 CFR § 1.114 AND INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§ 1.97 AND 1.98

Sir:

Herewith, in accord with the foregoing regulations, please find an Information Disclosure Statement which, it is respectfully submitted, should materially advance and accelerate the prosecution of the above-identified application. Attached hereto is a Form PTO/SB/08a and copies of the non-US patent/application documents and non-patent literature listed thereon. English language abstracts are provided for foreign language patent document(s) which are not available as US patent/application equivalents.

Moreover, Applicant has listed communications from patent proceedings with regard to International equivalents of the instant application. Copies of these communications are attached. Applicant makes no representation regarding the materiality of these communications to the claims currently pending in the instant application. Applicant lists these communications in this Information Disclosure Statement in an overabundance of caution and in observance of the holdings of Dayco Products Inc. v. Total Containment, Inc., 66 USPQ2d 1801 (Fed.Cir.2003), and McKesson Information Solutions, Inc. v. Bridge Medical, Inc., 82 USPQ2d 1865 (Fed.Cir.2007).

As will be noted, this Information Disclosure Statement calls a number of references, which might be considered relevant, to the attention of the Office. The fact that these are in fact "Prior Art" and/or relevant to the prosecution is, however, not admitted. In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is understood that, during examination, the Office will make an independent search and will identify

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any relevant prior art under 37.CFR § 1.104(a). Entry of this Information Disclosure Statement into the file of this application, initialing of each reference entry, making all of the references called to the Office's attention therein of record, listing such references among the "References Cited" on any patent to issue therefrom, and favorable action on the merits of this application are all respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

  
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Dated : 14 December 2010

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Enclosure(s) : Request for Continued Examination, duplicate copy, and Fee; Form  
PTO/SB/08a and Accompanying References and Fee; a check in the amount of  
\$990.00 and Return Postal Card Receipt.

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220